

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-0050-LII-E TCEQ ID: RN103654075 CASE NO.: 32187**  
**RESPONDENT NAME: DAVID W. TRAMMELL**

Page 1 of 2

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input checked="" type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 26715 Sandy Arbor Lane, Katy, Harris County</p> <p><b>TYPE OF OPERATION:</b> Landscape irrigation</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> A complaint was received on January 19, 2006. The complaint alleged that Mr. David W. Trammell installed a portion of an irrigation system at 26715 Sandy Arbor Lane, Katy, Harris County, Texas without holding an irrigator license. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> The complainant has not expressed a desire to protest this action or speak at Agenda. No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on May 26, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b></p> <p style="margin-left: 40px;"><b>TCEQ Attorney:</b> Mr. Gary K. Shiu, Litigation Division, MC R-12, (713) 422-8916 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873</p> <p style="margin-left: 40px;"><b>TCEQ Enforcement Coordinator:</b> Mr. Jorge Ibarra, Air Enforcement Section, MC R-4, (817) 588-5890</p> <p style="margin-left: 40px;"><b>TCEQ Regional Contact:</b> Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3623</p> <p style="margin-left: 40px;"><b>Respondent:</b> Mr. David W. Trammell, 1795 North Fry Road, Unit 299, Katy, Texas 77449-3347 and 3215 Dawn Mesa Court, Round Rock, Texas 78665</p> <p style="margin-left: 40px;"><b>Respondent's Attorney:</b> Not represented by counsel.</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input checked="" type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b> January 19, 2006</p> <p><b>Dates of Investigation Relating to this Case:</b> August 23, 2006</p> <p><b>Date of NOE Relating to this Case:</b> December 29, 2006</p> <p><b>Background Facts:</b></p> <p>The Executive Director filed an EDPRP on April 27, 2007. After settlement negotiations, the Respondent signed an agreed order with a payment plan on July 16, 2007.</p> <p><b>LII:</b></p> <p>Failed to possess an irrigator license issued by the TCEQ prior to selling, designing, consulting, installing, maintaining, altering, repairing or servicing an irrigation system [TEX. WATER CODE § 37.003, TEX. OCC. CODE § 1903.251 and 30 TEX. ADMIN. CODE §§ 30.5(a) and 344.4].</p>	<p><b>Total Assessed:</b> \$625</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid/Due to General Revenue:</b> * \$325/\$300</p> <p>The Respondent has paid \$325 of the administrative penalty. The remaining amount of \$300 of the administrative penalty shall be payable in one monthly payment of \$300.</p> <p><b>Site Compliance History Classification:</b> N/A</p> <p><b>Person Compliance History Classification:</b> N/A</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Technical Requirements</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>1. Immediately, cease selling, designing, consulting, installing, maintaining, altering, repairing, and/or servicing landscaping irrigation systems until properly licensed.</li> <li>2. Within 15 days, submit written certification to demonstrate compliance with these Ordering Provisions.</li> </ol>



Policy Revision 2 (September 2002)

## Penalty Calculation Worksheet (PCW)

PCW Revision November 15, 2006

TCEQ

DATES	Assigned	3-Jan-2007	
	PCW	22-Mar-2007	Screening 11-Jan-2007 EPA Due

## RESPONDENT/FACILITY INFORMATION

Respondent	David W. Trammell		
Reg. Ent. Ref. No.	RN103654075		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	2007-0050-LII-E	No. of Violations	1
Docket No.	32187	Order Type	1660
Media Program(s)	Irrigators	Enf. Coordinator	Libby Hogue
Multi-Media		EC's Team	EnforcementTeam 4
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$2,500

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 **\$625**

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 0% Enhancement Subtotals 2, 3, & 7 **\$0**

Notes No enhancement due to no previous compliance history.

Culpability No 0% Enhancement Subtotal 4 **\$0**

Notes Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 **\$0**

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts	\$58
Approx. Cost of Compliance	\$500

 0% Enhancement\* Subtotal 6 **\$0**  
\*Capped at the Total EB \$ Amount**SUM OF SUBTOTALS 1-7** Final Subtotal **\$625****OTHER FACTORS AS JUSTICE MAY REQUIRE** Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount **\$625****STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty **\$625****DEFERRAL** 0% Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral for non-expedited settlement.

**PAYABLE PENALTY** **\$625**

Screening Date 11-Jan-2007

Docket No. 32187

PCW

Respondent David W. Trammell

Policy Revision 2 (September 2002)

Case ID No. 2007-0050-LII-E

PCW Revision November 15, 2006

Reg. Ent. Reference No. RN103654075

Media [Statute] Irrigators

Enf. Coordinator Libby Hogue

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

No enhancement due to no previous compliance history.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

Screening Date 11-Jan-2007

Docket No. 32187

PCW

Respondent David W. Trammell

Policy Revision 2 (September 2002)

Case ID No. 2007-0050-LII-E

PCW Revision November 15, 2006

Reg. Ent. Reference No. RN103654075

Media [Statute] Irrigators

Enf. Coordinator Libby Hogue

Violation Number 1

Rule Cite(s)

30 Tex. Admin Code §§ 344.4 and 30.5(a), Tex. Water Code § 37.003 and Tex. Occupations Code § 1903.251

Violation Description

Failed to possess an irrigator license issued by the TCEQ prior to selling, designing, consulting, installing, maintaining, altering, repairing or servicing an irrigation system. Specifically, Mr. Trammell installed a portion (the pool area) of the irrigation system at 26715 Sandy Arbor Lane, Katy, Harris County, Texas without an irrigator license, as documented during a record review conducted on August 23, 2006.

Base Penalty

\$2,500

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Installing irrigation systems without a license could expose human health to pollutants which would exceed protective levels.

Adjustment

\$1,875

\$625

## Violation Events

Number of Violation Events

1

1

Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty

\$625

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount

\$58

Violation Final Penalty Total

\$625

This violation Final Assessed Penalty (adjusted for limits)

\$625

## Economic Benefit Worksheet

**Respondent** David W. Trammell  
**Case ID No.** 2007-0050-LII-E  
**Reg. Ent. Reference No.** RN103654075  
**Media** Irrigators  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$500	1-Mar-2005	1-Jul-2007	2.3	\$58	n/a	\$58
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain a valid irrigation license, calculated from the approximate date the irrigation system was installed through the expected date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$58

# Compliance History

Customer/Respondent/Owner-Operator: CN602172728 TRAMMELL, DAVID W Classification: Rating:  
Regulated Entity: RN103654075 TRAMMELL, DAVID W Classification: Site Rating:

ID Number(s): LANDSCAPE IRRIGATION LICENSING LICENSE: NONE  
Location: 1795 NORTH FRY ROAD #299, KATY, TEXAS  
TCEQ Region: REGION 12 - HOUSTON  
Date Compliance History Prepared: January 10, 2007  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: January 03, 2002 to January 03, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Libby Hogue Phone: 512-239-1165

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who are the current owners? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
  - B. Any criminal convictions of the state of Texas and the federal government.  
N/A
  - C. Chronic excessive emissions events.  
N/A
  - D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
N/A
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
  - F. Environmental audits.  
N/A
  - G. Type of environmental management systems (EMSs).  
N/A
  - H. Voluntary on-site compliance assessment dates.  
N/A
  - I. Participation in a voluntary pollution reduction program.  
N/A
  - J. Early compliance.  
N/A
- Sites Outside of Texas  
N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
DAVID W. TRAMMELL,  
RN103654075

§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2007-0050-LII-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding David W. Trammell ("Mr. Trammell") under the authority of TEX. WATER CODE chs. 7 and 37 and TEX. OCC. CODE ch. 1903. The Executive Director of the TCEQ, represented by the Litigation Division, and Mr. Trammell appear before the Commission and together stipulate that:

1. Mr. Trammell, an unlicensed irrigator, performed irrigation services from business address 1795 North Fry Road #299, in Katy, Harris County, Texas. Mr. Trammell installed a portion of the irrigation system at 26715 Sandy Arbor Lane in Katy, Harris County, Texas (the "Site").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 37.003 because it alleges violations of TEX. OCC. CODE ch. 1903, TEX. WATER CODE ch. 37 and TCEQ rules.
3. The Commission and Mr. Trammell agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Trammell is subject to the Commission's jurisdiction.
4. Mr. Trammell received notice of the violations alleged in Section II ("Allegations") on or about January 3, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Trammell of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of six hundred twenty-five dollars (\$625.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Trammell has paid three hundred twenty-five dollars (\$325.00) of the administrative penalty. The remaining amount of three hundred dollars (\$300.00) shall be payable in one monthly payment of three hundred dollars (\$300.00). The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Mr. Trammell fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Mr. Trammell to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Trammell to timely and satisfactorily comply with all of the terms of this Agreed Order.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Mr. Trammell have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Trammell has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

Mr. Trammell is alleged to have violated TEX. WATER CODE § 37.003, TEX. OCC. CODE § 1903.251 and 30 TEX. ADMIN. CODE §§ 30.5(a) and 344.4 by failing to possess an irrigator license issued by the TCEQ prior to selling, designing, consulting, installing, maintaining, altering, repairing or servicing an irrigation system, as documented during a record review conducted on August 23, 2006. Specifically, Mr. Trammell installed the portion of the irrigation system around the pool at the Site without an irrigator license.

### III. DENIALS

Mr. Trammell generally denies each allegation in Section II ("Allegations").

### IV. ORDER

1. It is, therefore, ordered by the TCEQ that Mr. Trammell pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Trammell's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: David W. Trammell, Docket No. 2007-0050-LII-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. Mr. Trammell shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, Mr. Trammell shall cease selling, designing, consulting, installing, maintaining, altering, repairing, and/or servicing landscape irrigation systems until properly licensed, in accordance with the requirements of 30 TEX. ADMIN. CODE ch. 344; and
  - b. Within 15 days after the effective date of this Agreed Order, Mr. Trammell shall submit written certification as described below, and include detailed supporting documentation, to demonstrate compliance with Ordering Provision 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information,

including the possibility of fine and imprisonment for knowing violations.”

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Manager, Regulatory Compliance Section  
Compliance Support Division, MC-178  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Trammell. Mr. Trammell is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
4. If Mr. Trammell fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Trammell's failure to comply is not a violation of this Agreed Order. Mr. Trammell shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Trammell shall notify the Executive Director within seven days after Mr. Trammell becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Trammell shall be made in writing to the Executive Director. Extensions are not effective until Mr. Trammell receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Trammell in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's

jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

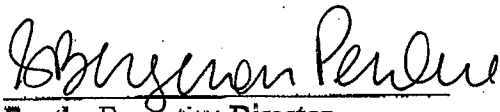
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Mr. Trammell, or three days after the date on which the Commission mails notice of the Order to Mr. Trammell, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

David W. Trammell  
Docket No. 2007-0050-LII-E  
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## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

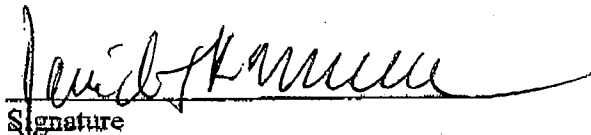
5/19/08  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

7-16-07  
Date

David W. Trammell

Name (Printed or typed)

David W. Trammell

Title